

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress¹**

[Date approved: May 16, 2008]²

Bill No. and sponsor: H.R. 4634 (Mr. Sam Graves of Missouri).

Proponent name,³ location: Bayer CropScience, Research Triangle Park, NC.

Other bills on product (110th Congress only): H.R. 5476 (Mr. Brad Miller of North Carolina).

Nature of bill: Extension of temporary duty suspension through December 31, 2011.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

Mixtures of 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranylmethanesulfonate (Ethofumesate) (CAS No. 26225-79-6) and application adjuvants (provided for in subheading 3808.93.15).

Check one: Same as that in bill as introduced.
 Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

The subject product is a selective herbicide for use in established and newly planted tall fescue and perennial ryegrass that is grown for sod in western portions of the United States. The product, either alone or in combination with other herbicides, also provides broad-spectrum weed control by protecting a sugarbeet crop through the germination, emergence, and early seedling growth stages. It is imported from Germany.

¹ Industry analyst preparing report: Jack Greenblatt (202-205-3353); Tariff Affairs contact: David Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

Estimated effect on customs revenue:

| HTS subheading: 3808.93.15 | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|
| | 2009 | 2010 | 2011 | 2012 | 2013 |
| Col. 1-General rate of duty | 6.5% | 6.5% | 6.5% | 6.5% | 6.5% |
| Estimated value <i>dutiable</i> imports | \$4,401,000 | \$4,401,000 | \$4,401,000 | \$4,401,000 | \$4,401,000 |
| Customs revenue loss 1/ | \$0 | \$286,065 | \$286,065 | \$286,065 | \$286,065 |

1/ There is an existing duty suspension under HTS heading 9902.05.19 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill in 2009.

Source of estimated dutiable import data: U.S. industry estimates.

Contacts with domestic firms/organizations (including the proponent):

| Name of firm/organization | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|--|----------------|--|----------------------|-------------------|
| | | | | |
| Bayer CropScience (Proponent) Will Hensley, 202-756-3781 | 3/10/2008 | No | No | No |
| Arkema Charles Kitchen, Fax: 215-419-7075 | 3/17/2008 | No | No | No |
| BASF Corp. Gregory A. Thies, 202-904-2332 | 3/17/2008 | No | No | No |
| CropLife America Lawrence Norton, Fax: 202-463-0474 | 3/17/2008 | No | No | No |
| Dow AgroSciences Max Turnipseed, Fax: 225-383-0590 | 3/17/2008 | No | No | No |
| Dupont Helen McMahan, Fax: 302-355-2994 | 3/17/2008 | No | No | No |
| FMC Corp. Jerry Prout, Fax: 202-956-5235 | 3/17/2008 | No | No | No |
| LANXESS Jamie Schaeffer, Fax: 412-809-3614 | 3/17/2008 | No | No | No |
| Monsanto Corp. Michael Parrish, Fax: 202-789-1867 | 3/17/2008 | No | No | No |
| Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084 | 3/17/2008 | No | No | No |

| Name of firm/organization | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|--|----------------|--|----------------------|-------------------|
| | | (Yes/No) | | |
| Valent USA Robin Demouth, Fax: 925-256-2776 | 3/17/2008 | No | No | No |

Technical comments:⁴

The Commission staff suggests that the article description on page 1 of this report be used in the proposed new heading in order to provide the correct HTS subheading reference and the correct spelling of the chemical name.

⁴ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

110TH CONGRESS
1ST SESSION

H. R. 4634

To suspend temporarily the duty on Products containing (\pm)-2-ethoxy-2,3-dihydro-3,3-dimethylbenzofuran-5-yl methanesulfonate.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

Mr. GRAVES introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To suspend temporarily the duty on Products containing (\pm)-2-ethoxy-2,3-dihydro-3,3-dimethylbenzofuran-5-yl methanesulfonate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PRODUCTS CONTAINING (\pm)-2-ETHOXY-2,3-**
4 **DIHYDRO-3,3-DIMETHYLBENZOFURAN-5-YL**
5 **METHANSULFONATE.**

6 (a) IN GENERAL.—Subchapter II of chapter 99 of
7 the Harmonized Tariff Schedule of the United States is
8 amended by inserting in numerical sequence the following
9 new heading:

| | | | | | | |
|-------------|---|------|-----------|-----------|-------------------------|----|
| “ 9902.____ | Products containing (±)-2-ethoxy-2,3-dihydro-3,3-dimethylbenzofuran-5-yl methansulfonate (CAS No. 26225-79-6) (provided for in subheading 3808.93.1500) | Free | No change | No change | On or before 12/31/2011 | ”. |
|-------------|---|------|-----------|-----------|-------------------------|----|

1 (b) **EFFECTIVE DATE.**—The amendment made by
2 subsection (a) applies to articles entered, or withdrawn
3 from warehouse for consumption, on or after the 15th day
4 after the date of the enactment of this Act.

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